

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

CUP O' DIRT LLC,

Plaintiff,

v.

BADLANDS AIRTIME, LLC;
BUSINESS 16, LLC; CHARLES C.
BRENNAN; MARY BRENNAN; and
REAL PRESENCE RADIO, INC., a
North Dakota non-profit corporation,

Defendants.

Civ. 19-4031

COMPLAINT

For its Complaint against Defendants, Plaintiff states and alleges as follows:

Parties and Jurisdiction

1. Plaintiff Cup O'Dirt LLC is a limited liability company organized under the laws of South Dakota. Members of Cup O'Dirt LLC – John E. Small and Heidi L. Small, husband and wife (the “Smalls”) – are residents of Minnehaha County and citizens of the State of South Dakota.

2. Defendant Charles C. Brennan (“Brennan”) is a resident of the State of Nevada and a citizen of Nevada.

3. On information and belief, Defendant Brennan is the only member of Defendant Business 16, LLC, which therefore is deemed a citizen of Nevada.

4. Defendant Business 16, LLC is the sole member of Badlands Airtime, LLC, which also is deemed a citizen of Nevada.

5. Defendant Mary Brennan is the wife of Charles Brennan, with whom she files a joint tax return, and is a citizen of Nevada.

6. Defendant Real Presence Radio, Inc. is a non-profit corporation organized under the laws of North Dakota and has its principal place of business in North Dakota. It is a citizen of North Dakota.

7. The citizenship of the Smalls is diverse from the citizenship of each Defendant, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

8. This Court has jurisdiction over the parties and the subject matter of this action pursuant to 28 U.S.C. §1332.

9. Venue of this action is proper because the events described herein occurred primarily in Minnehaha County, South Dakota, and have a substantial connection hereto.

Facts Common to All Counts

10. Brennan is the sole owner of Business 16, LLC, a parent entity to multiple limited liability companies, including Badlands Airtime LLC, which were formed as part of Brennan's now-shuttered Badlands Pawn and radio businesses.

11. In February 2015, Badlands Airtime LLC entered into a purchase agreement to acquire certain radio station assets from COD.

12. The purchase agreement included a purchase price of \$1.5 million.

13. Brennan and Badlands Airtime LLC defaulted on the purchase agreement and instead purchased a different radio station that was then owned by the University of Sioux Falls.

14. COD sued, and a jury rejected Brennan's attempt to walk away from his promise on grounds of rescission and instead found that Badlands Airtime LLC breached the contract. The jury rendered its verdict in mid-May 2018.

15. COD subsequently obtained a money judgment awarding it a total of \$300,801.11, in addition to monies it had received and retained in the form of a preliminary escrow payment, for a total of \$750,000 in liquidated damages.

16. COD was also awarded attorneys' fees, expenses, and disbursements in the amount of \$454,554.99, inclusive of applicable sales tax.

17. COD has recovered \$226,836.16 against the money judgment, with \$73,964.95 plus accrued interest due and owing as liquidated damages.

18. To date, also due and owing from Badlands Airtime LLC is the entire sum awarded for attorneys' fees and expenses in the amount of \$454,554.99.

19. At the time Badlands Airtime LLC entered into the contract on which it subsequently defaulted, it had no operating funds, had no bank account, and had not been capitalized at all.

20. Brennan was the sole source of capital for Badlands Airtime LLC at the time the contract was executed.

21. Badlands Airtime LLC was an instrument or alter ego of Brennan, who is also the sole member of its parent company, Business 16 LLC.

22. Brennan has abused the corporate form and otherwise engaged in fraud and misconduct that effectively forfeits its protection, such that COD is entitled to pierce the corporate veil and enforce the money judgment against him personally.

23. After Brennan's Badlands Pawn and radio businesses faltered, Badlands Airtime LLC, while insolvent, entered into a contract with Defendant Real Presence Radio in April 2018 under which Real Presence Radio agreed to purchase certain radio station assets for a total purchase price of \$945,000.

24. The assets included an FCC license that had been purchased for \$1.5 million, in funds provided directly from Brennan, and other personal property with substantial value (the "Radio Station Assets").

25. In addition to making an initial deposit of \$94,500, Real Presence Radio agreed to pay \$405,500 as of the closing date in late June 2018.

26. It also executed a promissory note in the amount of \$445,000 in favor of Badlands Airtime LLC, under which it agreed to make two cash payments to Badlands Airtime LLC.

27. The first installment, payable in the amount of \$258,100.00, would come due on the first anniversary of the date on which the transaction closed.

28. The second installment, a lump sum "balloon" payment made payable in the amount of \$240,300.00, would come due on the second anniversary of the date on which the transaction closed.

29. The amount offered in consideration of the Radio Station Assets was substantially less than its reasonably equivalent value.

30. As additional consideration for the assignment, and upon the consummation of the other transactions contemplated by the Asset Purchase Agreement, Real Presence Radio agreed to issue a receipt to Badlands Airtime LLC recognizing that Badlands has made a donation to Badlands Airtime LLC of an asset with a fair market value of \$600,000.00.

31. After the jury had entered its verdict, Brennan contacted Real Presence Radio and sought to accelerate payment of the remaining funds owed to Badlands Airtime LLC for the Radio Station Assets.

32. In exchange for accelerated payment, Brennan offered to accept less than what Real Presence Radio otherwise owed under the terms of the APA.

33. Brennan's intent was to hinder, delay, impede, and impair the ability of COD to recover on the money judgment and to vindicate the verdict of the jury.

Count One: Pierce the Corporate Veil

34. Plaintiff hereby incorporates and re-states each and every preceding paragraph, as if fully set forth herein.

35. Brennan, as sole member of Business 16 LLC and sole controlling person responsible for the conduct and operations of Badlands Airtime LLC, caused Badlands Airtime LLC to enter into a contract without having providing any capital for the entity.

36. At the time of formation, Badlands Airtime LLC was undercapitalized and the money it originally provided to Plaintiff relating to the asset purchase agreement that Brennan subsequently breached came directly from Brennan himself.

37. Brennan marketed and associated the Badlands Pawn project with his name and persona and repeatedly assured principals of COD that he personally was good for the payment obligations.

38. Brennan has abused the corporate form and otherwise engaged in misconduct sufficient to justify piercing through the subsidiary-parent relationship of Badlands Airtime LLC and Business 16, LLC, such that he is jointly and severally liable.

39. COD is entitled to pierce the corporate veil and to recover from Brennan personally the remaining amounts due and owing from Badlands Airtime LLC under the money judgment.

Count Two: Declaratory Relief

40. Plaintiff hereby incorporates and re-states each and every preceding paragraph, as if fully set forth herein.

41. A live, justiciable controversy exists regarding Plaintiff's entitlement to levy on intangibles otherwise due and owing to Badlands Airtime LLC and right to recover thereunder.

42. A live justiciable controversy exists regarding Plaintiff's right to levy on funds payable to Badlands Airtime LLC from Real Presence Radio under the terms of the Promissory Note.

43. Plaintiff is entitled to a declaratory judgment holding that Plaintiff is entitled to any payment from Real Presence Radio under the terms of the promissory note to which Badlands Airtime LLC was a party and further holding that if and to the extent that the amounts owed to Plaintiff under the money judgment have not been satisfied as

of the time(s) that Real Presence Radio is obligated to make payment(s) under the terms of the promissory note, then Plaintiff is entitled to receive the amounts payable to Badlands Airtime LLC under the terms of the promissory note.

44. Plaintiff is likewise entitled to an Order from this Court directing that any amount of money that remains due and owing from Real Presence Radio to Badlands Airtime LLC or its successors or assigns be deposited immediately with the Clerk of Courts.

Count Three: Fraudulent Transfer

45. Plaintiff hereby incorporates and re-states each and every preceding paragraph, as if fully set forth herein.

46. At the time of execution of the contract with Real Presence Radio and at all times thereafter Badlands Airtime LLC was and continues to be insolvent.

47. Such insolvency and the claims of COD were matters of public knowledge, known to Real Presence Radio; or alternatively, Real Presence Radio is charged with knowledge of the same.

48. Brennan – as sole controlling owner of Badlands Airtime LLC and Business 16 LLC – engaged in the transfer to Real Presence Radio without seeking or receiving reasonably equivalent value.

49. The amount paid for the Radio Station Assets by Real Presence Radio was substantially less than reasonably equivalent value.

50. The conveyance of such assets to Real Presence Radio constitutes a fraudulent transfer under SDCL 54-8 and 54-8A.

51. The so-called gift or donation to Real Presence Radio as described in the Asset Purchase Agreement in the amount of \$600,000.00 was in fact a fraudulent transfer under SDCL Chapters 54-8 and 54-8A.

52. Under the foregoing statutes, such fraudulent transfers are void as against COD; and COD is entitled to recover from Defendants, jointly and severally.

53. Additionally, payment under the promissory note was made, received and otherwise transferred with actual intent to hinder, delay, and defraud COD.

54. Brennan is an "insider" with respect to Badlands Airtime LLC and the purported tax benefit that inures to Badlands Airtime LLC, a pass-through entity, ultimately inures to his benefit as sole owner of Business 16, LLC, another pass-through entity.

55. Mary Brennan, as spouse of Brennan, is also an "insider" and beneficiary of any deduction or benefit that arises from or relates to the transfer.

56. The "donation" of \$600,000 constitutes actual and constructive fraud under the laws governing fraudulent transfer.

57. COD is entitled to recover from all Defendants the amount or amounts of payments so made, received, or otherwise transferred; to avoid the transfer of property to Real Presence Radio; to attach, levy and execute on the property that was transferred to Real Presence Radio; to recover amounts equal to any donation or charitable gift from any party that received any benefit from such donation or charitable gift; and to seek all other relief available to it in aid and furtherance of satisfying the judgment in its entirety.

58. Each Defendant is jointly and severally liable to COD in an amount sufficient to satisfy the amount due and owing it.

59. Defendants Brennan, Badlands Airtime LLC, and Business 16 have serially engaged in fraudulent misconduct that was undertaken with willful, wanton, and malicious intent and each is jointly and severally liable for punitive damages.

WHEREFORE, Plaintiff prays for judgment as follows:

1. Compensatory damages against all Defendants, jointly and severally, in amounts to be proved at trial, but greater than \$75,000.00.
2. Exemplary or punitive damages to be recovered from Brennan, Business 16, and Badlands Airtime LLC in amounts to be determined at trial.
3. Declaratory relief holding that: (a) Brennan's misuse of the corporate form justifies the piercing of the corporate veil, such that he is personally liable for the amounts otherwise due and owing by Badlands Airtime LLC; (b) COD is the rightful recipient of any payment from Real Presence Radio made after judgment was entered against Badlands Airtime LLC; (c) the transfer of Radio Station Assets to Real Presence Radio constitutes a fraudulent transfer and affords Plaintiff to all remedies available under law and equity; and (d) Plaintiff is entitled to recover an amount that is at least equal to the amount of any tax deduction claimed by or otherwise inuring to the benefit of Brennan and Mary Brennan.
4. Order awarding COD's costs and disbursements herein, including attorney fees and expenses.

5. For such other and further relief as the Court determines appropriate in the circumstances.

PLAINTIFFS DEMAND TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated: February 14, 2019

CADWELL SANFORD DEIBERT
& GARRY LLP

By 

Steven W. Sanford

Alex M. Hagen

200 E. 10th Street, Suite 200

Sioux Falls, South Dakota 57104

(605) 336-0828

E-mail: ssanford@cadlaw.com

ahagen@cadlaw.com

Attorneys for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Cup O' Dirt LLC**DEFENDANTS**

Badlands Airtime, LLC; Business 16, LLC; Charles C. Brennan; Mary Brennan; and Real Presence Radio, Inc.

(b) County of Residence of First Listed Plaintiff Minnehaha

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Steven W. Sanford and Alex M. Hagen, Cadwell Sanford Deibert & Garry LLP, 200 E. 10th St., #200, Sioux Falls, SD 57104 (605)336-0828

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWW/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 28 U.S.C. 1332

Brief description of cause:

Enforcement of Judgment by piercing corporate veil and recovering fraudulent transfer

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE
02/14/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation - Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation - Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.